

AN ACT concerning accounting.

Be it enacted by the People of the State of Illinois,
represented in the General Assembly:

Section 5. The Illinois Public Accounting Act is amended
by changing Sections 2 and 20.01 as follows:

(225 ILCS 450/2) (from Ch. 111, par. 5502)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section before amendment by P.A. 92-457)

Sec. 2. Examinations. The University shall appoint a
Board of Examiners that shall determine the qualifications of
persons applying for certificates and shall make rules for
and conduct examinations for determining the qualifications.

The Board shall consist of 9 examiners, at least 7 of
whom shall be certified public accountants in this State who
have been residents of this State for at least 5 years
immediately preceding their appointment. One shall be either
an accountant of the grade herein described or an attorney
licensed and residing in this State and one shall be a
certified public accountant who is an active or retired
educator residing in this State. The term of office of each
examiner shall be 3 years, except that upon the enactment of
this amendatory Act of 1993, those members currently serving
on the Board shall continue to serve the duration of their
terms, one additional examiner shall be appointed for a term
of one year, one additional examiner for a term of 2 years,
and 2 additional examiners for a term of 3 years. As the
term of each examiner expires, the appointment shall be
filled for a term of 3 years from the date of expiration.
Any Board member who has served as a member for 6 consecutive
years shall not be eligible for reappointment until 2 years
after the end of the term in which the sixth consecutive year

of service occurred.

Information regarding educational requirements, the application process, the examination, and fees shall be available on the the Board's Internet web site as well as in printed documents available from the Board's office. The time--and--place--of--holding--the--examinations---shall---be determined--by--the-Board-and-shall-be-duly-advertised-by-the Board-

The examination shall test the applicant's knowledge of accounting, auditing, and other related subjects, if any, as the Board may deem advisable. Prior to implementation of a computer-based examination, a candidate must be examined in all subjects except that a candidate who has passed in 2 or more subjects and who attained a minimum grade in each subject failed as may be established by Board regulations shall have the right to be re-examined in the remaining subjects at one or more of the next 6 succeeding examinations. Upon implementation of a computer-based examination, a candidate shall be required to pass all sections of the examination in order to qualify for a certificate. A candidate may take the required test sections individually and in any order, as long as the examination is taken within a timeframe established by Board rule.

The Board may in certain cases waive or defer any of the requirements of this Section regarding the circumstances in which the various Sections of the examination must be passed upon a showing that, by reasons of circumstances beyond the applicant's control, the applicant was unable to meet the requirement.

Applicants may also be required to pass an examination on the rules of professional conduct, as determined by Board rule to be appropriate.

The examinations shall be given at least twice a year.

Any application, document or other information filed by

or concerning an applicant and any examination grades of an applicant shall be deemed confidential and shall not be disclosed to anyone without the prior written permission of the applicant, except that it is hereby deemed in the public interest that the names and addresses only of all applicants shall be a public record and be released as public information. Nothing herein shall prevent the Board from making public announcement of the names of persons receiving certificates under this Act.

The Board shall adopt all necessary and reasonable rules and regulations for the effective administration of the Sections of this Act for which it is charged with administering. Without limiting the foregoing, the Board shall adopt and prescribe rules and regulations for a fair and wholly and impartial method of determining the qualifications of applicants for examination and for a fair and wholly and impartial method of examination of persons under Section 2 and may establish rules for subjects conditioned and for the transfer of credits from other jurisdictions with respect to subjects passed.

(Source: P.A. 88-36.)

(Text of Section after amendment by P.A. 92-457)

Sec. 2. Examinations. The Governor shall appoint a Board of Examiners that shall determine the qualifications of persons applying for certificates and shall make rules for and conduct examinations for determining the qualifications. The Board shall consist of not less than 9 nor more than 11 examiners, as determined by Board rule, including 2 public members. The remainder shall be certified public accountants in this State who have been residents of this State for at least 5 years immediately preceding their appointment, except that one shall be either a certified public accountant of the grade herein described or an attorney licensed and residing in this State and one shall be a certified public accountant

who is an active or retired educator residing in this State. The term of office of each examiner shall be 3 years, except that upon the enactment of this amendatory Act of the 92nd General Assembly, those members currently serving on the Board shall continue to serve the duration of their terms, one additional examiner shall be appointed for a term of one year, one additional examiner for a term of 2 years, and any additional examiners for terms of 3 years. As the term of each examiner expires, the appointment shall be filled for a term of 3 years from the date of expiration. Any Board member who has served as a member for 6 consecutive years shall not be eligible for reappointment until 2 years after the end of the term in which the sixth consecutive year of service occurred, except that members of the Board serving on the effective date of this Section shall be eligible for appointment to one additional 3-year term. Where the expiration of any member's term shall result in less than 11 members then serving on the Board, the member shall continue to serve until his or her successor is appointed and has qualified. The Governor may terminate the term of any member of the Board at any time for cause.

Information regarding educational requirements, the application process, the examination, and fees shall be available on the Board's Internet web site as well as in printed documents available from the Board's office. ~~The time and place of holding the examinations shall be determined by the Board and shall be duly advertised by the Board.~~

The examination shall test the applicant's knowledge of accounting, auditing, and other related subjects, if any, as the Board may deem advisable. Prior to implementation of a computer-based examination, a candidate must be examined in all subjects except that a candidate who has passed in 2 or more subjects and who attained a minimum grade in each subject failed as may be established by Board regulations

shall have the right to be re-examined in the remaining subjects at one or more of the next 6 succeeding examinations. Upon implementation of a computer-based examination, a candidate shall be required to pass all sections of the examination in order to qualify for a certificate. A candidate may take the required test sections individually and in any order, as long as the examination is taken within a timeframe established by Board rule.

The Board may in certain cases waive or defer any of the requirements of this Section regarding the circumstances in which the various Sections of the examination must be passed upon a showing that, by reasons of circumstances beyond the applicant's control, the applicant was unable to meet the requirement.

Applicants may also be required to pass an examination on the rules of professional conduct, as determined by Board rule to be appropriate.

The examinations shall be given at least twice a year.

Any application, document or other information filed by or concerning an applicant and any examination grades of an applicant shall be deemed confidential and shall not be disclosed to anyone without the prior written permission of the applicant, except that it is hereby deemed in the public interest that the names and addresses only of all applicants shall be a public record and be released as public information. Nothing herein shall prevent the Board from making public announcement of the names of persons receiving certificates under this Act.

The Board shall adopt all necessary and reasonable rules and regulations for the effective administration of this Act. Without limiting the foregoing, the Board shall adopt and prescribe rules and regulations for a fair and wholly and impartial method of determining the qualifications of applicants for examination and for a fair and wholly and

impartial method of examination of persons under Section 2 and may establish rules for subjects conditioned and for the transfer of credits from other jurisdictions with respect to subjects passed.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section before amendment by P.A. 92-457)

Sec. 20.01. Grounds for discipline.

(a) The Department may refuse to issue or renew, or may revoke, suspend, or reprimand any license or licensee, place a licensee on probation for a period of time subject to any conditions the Committee may specify including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee, impose a fine not to exceed \$5,000 for each violation, restrict the authorized scope of practice, or require a licensee to undergo a peer review program, for any one or more of the following:

(1) Violation of any provision of this Act.

(2) Attempting to procure a license to practice public accounting by bribery or fraudulent misrepresentations.

(3) Having a license to practice public accounting revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country. No disciplinary action shall be taken in Illinois if the action taken in another jurisdiction was based upon failure to meet the continuing professional education requirements of that jurisdiction and the applicable Illinois continuing professional education requirements are met.

(4) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which

directly relates to the practice of public accounting or the ability to practice public accounting.

(5) Making or filing a report or record which the registrant knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing, or inducing another person to impede or obstruct the filing. The reports or records shall include only those that are signed in the capacity of a public accountant.

(6) Conviction in this or another State or the District of Columbia, or any United States Territory, of any crime that is punishable by one year or more in prison or conviction of a crime in a federal court that is punishable by one year or more in prison.

(7) Proof that the licensee is guilty of fraud or deceit, or of gross negligence, incompetency, or misconduct, in the practice of public accounting.

(8) Violation of any rule adopted under this Act.

(9) Practicing on a revoked, suspended, or inactive license.

(10) Suspension or revocation of the right to practice before any state or federal agency.

(11) Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or misdemeanor and has dishonesty as essential element, or of any crime that is directly related to the practice of the profession.

(12) Making any misrepresentation for the purpose of obtaining a license, or material misstatement in furnishing information to the Department.

(13) Aiding or assisting another person in violating any provision of this Act or rules promulgated hereunder.

(14) Engaging in dishonorable, unethical, or

unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Department.

(15) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable skill, judgment, or safety.

(16) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.

(17) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills that results in the inability to practice the profession with reasonable judgment, skill or safety.

(18) Solicitation of professional services by using false or misleading advertising.

(19) Failure to file a return, or pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(20) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(21) A finding by the Department that a licensee has not complied with a provision of any lawful order issued by the Department.

(22) Making a false statement to the Department regarding compliance with continuing professional education requirements.

(23) Failing to make a substantive response to a request for information by the Department within 30 days of the request.

(b) (Blank).

(c) In rendering an order, the Director shall take into consideration the facts and circumstances involving the type of acts or omissions in subsection (a) including, but not limited to:

(1) the extent to which public confidence in the public accounting profession was, might have been, or may be injured;

(2) the degree of trust and dependence among the involved parties;

(3) the character and degree of financial or economic harm which did or might have resulted; and

(4) the intent or mental state of the person charged at the time of the acts or omissions.

(d) The Department shall reissue the license upon certification by the Committee that the disciplined licensee has complied with all of the terms and conditions set forth in the final order.

(e) The Department shall deny any application for a license or renewal, without hearing, to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(f) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in the automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary

admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Committee to the Director that the licensee be allowed to resume professional practice.

(Source: P.A. 90-655, eff. 7-30-98; revised 3-7-02.)

(Text of Section after amendment by P.A. 92-457)

Sec. 20.01. Grounds for discipline; license.

(a) The Board may refuse to issue or renew, or may revoke, suspend, or reprimand any license or licensee, place a licensee on probation for a period of time subject to any conditions the Board may specify including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee, impose a fine not to exceed \$5,000 for each violation, restrict the authorized scope of practice, or require a licensee to undergo a peer review program, for any one or more of the following:

(1) Violation of any provision of this Act.

(2) Attempting to procure a license to practice public accounting by bribery or fraudulent misrepresentations.

(3) Having a license to practice public accounting revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, the District of Columbia, or any United States territory. No disciplinary action shall be taken in Illinois if the action taken in another jurisdiction was based upon failure to meet the continuing professional education requirements of that jurisdiction and the applicable Illinois continuing professional education requirements are met.

(4) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of public accounting or the ability to practice public accounting.

(5) Making or filing a report or record which the registrant knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing, or inducing another person to impede or obstruct the filing. The reports or records shall include only those that are signed in the capacity of a licensed certified public accountant.

(6) Conviction in this or another State or the District of Columbia, or any United States Territory, of any crime that is punishable by one year or more in prison or conviction of a crime in a federal court that is punishable by one year or more in prison.

(7) Proof that the licensee is guilty of fraud or deceit, or of gross negligence, incompetency, or misconduct, in the practice of public accounting.

(8) Violation of any rule adopted under this Act.

(9) Practicing on a revoked, suspended, or inactive license.

(10) Suspension or revocation of the right to practice before any state or federal agency.

(11) Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or misdemeanor and has dishonesty as an essential element, or of any crime that is directly related to the practice of the profession.

(12) Making any misrepresentation for the purpose of obtaining a license, or material misstatement in furnishing information to the Board.

(13) Aiding or assisting another person in violating any provision of this Act or rules promulgated hereunder.

(14) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive,

defraud, or harm the public and violating the rules of professional conduct adopted by the Board.

(15) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable skill, judgment, or safety.

(16) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.

(17) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills that results in the inability to practice the profession with reasonable judgment, skill or safety.

(18) Solicitation of professional services by using false or misleading advertising.

(19) Failure to file a return, or pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(20) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(21) A finding by the Board that a licensee has not complied with a provision of any lawful order issued by the Board.

(22) Making a false statement to the Board regarding compliance with continuing professional education requirements.

(23) Failing to make a substantive response to a

request for information by the Board within 30 days of the request.

(b) (Blank).

(c) In rendering an order, the Board shall take into consideration the facts and circumstances involving the type of acts or omissions in subsection (a) including, but not limited to:

(1) the extent to which public confidence in the public accounting profession was, might have been, or may be injured;

(2) the degree of trust and dependence among the involved parties;

(3) the character and degree of financial or economic harm which did or might have resulted; and

(4) the intent or mental state of the person charged at the time of the acts or omissions.

(d) The Board shall reissue the license upon a showing that the disciplined licensee has complied with all of the terms and conditions set forth in the final order.

(e) The Board shall deny any application for a license or renewal, without hearing, to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Board may issue a license or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(f) The determination by a court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in the automatic suspension of his or her license. The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient.

(Source: P.A. 92-457, eff. 7-1-04; revised 3-7-02.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect upon becoming law.